

REMARKS

Claims 2-11 and 13-28 are pending in the Application. Claims 2-6 and 13-15 remain rejected under 35 U.S.C. §102(e). Claims 7-10 and 18-21 remain rejected under 35 U.S.C. §103(a). Claims 11 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 23-28 are allowed.

Applicants cancelled claims 2-10 and 13-21 without prejudice or disclaimer. Hence, claims 11 and 22-28 are pending in the Application. Applicants cancelled claims 2-10 and 13-21 only to expedite the issuance of claims 11 and 22-28 and not in response to the Examiner's cited art. Applicants reserve the right to file a continuation patent application to capture the subject matter of cancelled claims 2-10 and 13-21.

Applicants amended claims 11 and 22 to be rewritten in independent form. Hence, claims 11 and 22-28 are allowable. Applicants respectfully request the Examiner to issue a notice of allowance allowing claims 11 and 22-28.

Applicants note that claims 11 and 22 were not amended to overcome prior art but to be rewritten in independent form. Hence, no prosecution history estoppel arises from the amendments to claims 11 and 22. *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co.*, 62 U.S.P.Q.2d 1705, 1711-12 (2002); 56 U.S.P.Q.2d 1865, 1870 (Fed. Cir. 2000). Further, the amendments made to claims 11 and 22 were not made for a substantial reason related to patentability and therefore no prosecution history estoppel arises from such amendments. *See Festo Corp.*, 62 U.S.P.Q.2d 1705 at 1707 (2002); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 41 U.S.P.Q.2d 1865, 1873 (1997).

As a result of the foregoing, it is asserted by Applicants that claims 11 and 22-28 in the Application are in condition for allowance, and Applicants respectfully request an allowance of such claims. Applicants respectfully request that the

Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining issues.

Respectfully submitted,

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